

Chapter 20.30**MAINTENANCE, RESTORATION, REHABILITATION, ALTERATION,
DEVELOPMENT AND DEMOLITION OF CULTURAL RESOURCES THROUGH THE
CERTIFICATE OF APPROPRIATENESS PROCESS****Sections:**

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Section 20.30.010 Certificate of appropriateness required.

A. No person, owner or other entity shall restore, rehabilitate, alter, develop, construct, demolish, remove or change the appearance of any cultural resource without first having applied for and been granted a Certificate of Appropriateness by the Cultural Heritage Board, or Administrative Certificate of Appropriateness by the Cultural Resources Administrator, or by the City Council on appeal. The requirements of this Chapter are in addition to any and all other city permit requirements.

B. Notwithstanding the language in the above paragraph, nothing in this chapter shall prevent the construction, alteration, repair, restoration, stabilization or demolition of an historic structure if the Building Official has determined the historic resource creates an unsafe or dangerous condition that constitutes an imminent threat as defined in the California Building Code, and the proposed action is necessary to mitigate the unsafe or dangerous condition. In such event no Certificate of Appropriateness shall be required. However, the Building Official shall make all reasonable efforts to consult with the Planning Director or his/her designated representative to determine if there are feasible alternative to the proposed action that will adequately protect the public health and safety.

C. The following types of projects may be reviewed and approved or conditionally approved for an Administrative Certificate of Appropriateness by the Cultural Resources Administrator:

1. The in-kind replacement of historically correct architectural features or building elements, including windows, doors, exterior siding, porches, cornices, balustrades, stairs, and the like, that are deteriorated, damaged beyond restoration, or previously removed.
2. The in-kind replacement of historically correct site, or landscape features that are deteriorated, damaged beyond restoration, or previously removed.
3. The replacement or repair of roof covering materials.
4. Small one-story room additions with limited or no visibility to public rights-of-way and adjacent properties.
5. Fences and walls.

6. Awnings and building mounted signs.
 7. Landscape alterations and installations, including the removal of trees not specifically designated or listed as contributing to a designated resource.
 8. Paving for driveways, walkways and/or patios.
 9. Exterior repainting.
 10. Exterior lighting.
 11. The removal of inappropriate additions to restore the original appearance of a structure.
- D. All other projects as described in 20.30.010(A) shall be subject to review and approval or conditional approval by the Cultural Heritage Board. (Ord. 6778 § 1, 2004; Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.020 Referral to the cultural heritage board.

The Cultural Resources Administrator may refer an Administrative Certificate of Appropriateness application to the Cultural Heritage Board when it believes the importance of the resource, or the discrepancies between the proposal and the findings and standards of this Chapter would justify a more public review. Any such referral shall be made within ten (10) days if the acceptance of a complete application by the Cultural Resources Administrator and shall be placed on the next available Cultural Heritage Board agenda. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.030 Duty to maintain.

Every person in possession or control and every owner of a cultural resource and any appurtenant premises shall maintain and keep in good repair the exterior of such designated resources, and all of the interior portions thereof when specified in the designating resolution, as well as all interior portions thereof whose maintenance is necessary to prevent deterioration or decay of any exterior architectural feature. Good repair is defined as that level of maintenance and repair which clearly furthers the continued availability of such structure and premises for lawful reasonable uses and prevents deterioration, dilapidation and decay of such structures and premises. This section shall be enforced by the code compliance division of the Public Works Department to the full extent permissible by law. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.040 Application of the state historic building code.

Pursuant to the State of California Health and Safety Code the Building Official shall apply the State Historic Building Code in permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a designated historic building, being one that is listed on any current or future national, State, or local register or listing of cultural resources. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.050 Application.

The Certificate of Appropriateness or Administrative Certificate of Appropriateness application shall be made on forms provided by the Planning Department. The application shall be accompanied by such fee as is required by resolution of the City Council. Applications shall include plans and specifications showing the design, materials, colors, landscaping, and irrigation relating to the proposed improvements. Where appropriate and required by the Cultural Resources Administrator, applications shall also show the relationship of the proposed work to the surrounding environs. Applications for new construction in an historic district or neighborhood conservation area shall also include such relevant information as how the new

improvement relates to the existing architectural style, scale, massing, site and streetscape, landscaping, and signage. The Cultural Resources Administrator may require any additional information deemed necessary to make an informed judgment of the proposed work according to the standards of review as detailed in Section 20.30.060 of this Title. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.060 Principles and standards of site development and design review.

A. The Cultural Heritage Board or Cultural Resources Administrator shall adhere to the following principles when reviewing applications for Certificates of Appropriateness or Administrative Certificates of Appropriateness:

1. The anticipated use for the property remains that for which it was originally intended or requires minimal alteration of the building, structure or site and its environment for the proposed reuse.

2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be compromised. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to recreate an earlier appearance shall be discouraged.

4. Certain alterations which may have taken place in the course of time are potentially significant to understanding the history and development of a building, structure, or site and its environment. These historic alterations may have acquired significance in their own right and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be retained.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair and replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. Surface cleaning of historic structures shall be undertaken with methods that will avoid damage to the historic building materials.

8. Contemporary design for alterations and additions shall not be discouraged when such alterations and additions do not compromise significant historical, architectural or cultural material, and such design is compatible with the size scale, color, material and character of the property, neighborhood or environment.

9. Whenever possible, new additions or alterations to the structure shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the historic structure would be unimpaired.

B. The Cultural Heritage Board or Cultural Resources Administrator shall consider the following site development and design issues when applicable to reviewing Certificate of Appropriateness or Administrative Certificate of Appropriateness applications:

1. Architectural design;
2. Scale and proportion;
3. Construction materials;
4. Method of construction;
5. Color and texture;
6. Grading;
7. Site development;

8. Orientation of buildings;
9. Off-street parking;
10. Landscaping;
11. Signs;
12. Street furniture;
13. Public areas;
14. Relationship of the project to its surroundings.

C. The Cultural Heritage Board or Cultural Resources Administrator shall apply the following standards as applicable in determining whether to grant or deny a Certificate of Appropriateness or Administrative Certificate of Appropriateness:

1. The proposed undertaking is consistent or compatible with the architectural period and the character-defining elements of the historic building;
2. The proposed undertaking is compatible with existing adjacent or nearby landmark structures and preservation district structures and their character-defining elements;
3. The colors, textures, materials, fenestration, decorative features and details, height, scale, massing and methods of construction proposed are consistent with the period and/or compatible with adjacent structures;
4. The proposed change does not destroy or adversely affect an important architectural, historical, cultural or archaeological feature or features;
5. Such other standards as are adopted by resolution of the Cultural Heritage Board or the City Council. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.070 Decision time limit.

The application shall be considered by the Cultural Heritage Board within forty-five calendar days for Certificates of Appropriateness or by the Cultural Resource Administrator within 21 calendar days for Administrative Certificates of Appropriateness. Such time periods shall be calculated from the date on which a complete application is accepted by the Cultural Resources Administrator. However, such time periods shall be extended when necessary to comply with the provisions of the California Environmental Quality Act (CEQA). A public hearing shall be scheduled and notice provided per this Title and CEQA, when applicable. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.080 Review of alterations.

When the application is for permission to restore, rehabilitate, alter, develop, construct or change the appearance of any cultural resource, the Cultural Heritage Board or Cultural Heritage Administrator may approve, grant conditional approval, or deny the application. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.090 Review of substantial adverse changes.

When the application is for an action that may cause a substantial adverse change to a cultural resource, the application will be reviewed pursuant to adopted City procedures to determine if the proposed change would have a significant adverse environmental effect as defined by the California Environmental Quality Act (CEQA). If it is determined that potentially significant adverse changes to a cultural resource cannot be effectively mitigated to a level of insignificance, no approval of any work which may cause a substantial adverse change to a cultural resource may be granted unless: (1) It is determined by the City Council through the CEQA process that taking into account the value of all available incentives and costs of rehabilitation and adaptive reuse alternatives, the property retains no substantial remaining market value or reasonable use; or (2) It is determined pursuant to adopted City and State processes, that an immediate safety hazard exists and that demolition of the structure is the

only feasible means to secure the public safety. Costs of alterations made in violation of this section and thus without the benefit of an approved Certificate of Appropriateness, or by failure to maintain the property required by Section 20.30.030, shall not be included in the calculation of rehabilitation costs under subsection (1) of this section. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.100 Approval required.

No City permit shall be issued for any purpose regulated by this Title for a landmark, landmark structure, landmark site or a structure, improvement or site within an historic district or neighborhood conservation area unless and until the proposed work or development has been approved or granted conditional approval by the Cultural Heritage Board, for Certificates of Appropriateness, or the Cultural Resources Administrator, for Administrative Certificates of Appropriateness, or by the City Council on appeal, and then shall be issued only in conformity with such approval or conditional approval. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.110 Appeal.

Any person aggrieved or affected by a decision of the Cultural Heritage Board or Cultural Resources Administrator to approve, conditionally approve or deny an application, or by the failure of the Board to act within the time as required may appeal to the City Council from such decision at any time within fifteen days after the date upon which the Board or Cultural Resources Administrator announces its decision or is required to announce its decision. An appeal shall be taken by filing a letter of appeal, in duplicate, with the Planning Department and by concurrently paying to such department a fee in an amount established by City Council resolution for such appeals. Such letter shall set forth the grounds upon which the appeal is based. Within five days after the receipt of the letter of appeal and the filing fee, the Planning Department shall transmit to the City Council the letter of appeal, copies of the application and all other papers constituting the record upon which the action of the Board or Cultural Resources Administrator was taken. (Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)

Section 20.30.120 Action by the City Council.

An appeal to the City Council shall first be heard and acted upon by the Land Use Committee of the City Council at the next available Land Use Committee meeting following the appeal deadline. The Land Use Committee shall consider the appeal and make a recommendation to the City Council for its consideration within thirty (30) days following the Committee's decision. The Land Use Committee and the City Council shall review the application and apply the standards as set forth in Section 20.30.060 in considering the appeal. The City Council may affirm, reverse or modify the decision of the Board or Land Use Committee. Such action by the City Council shall be final. (Ord. 6765 § 2, 2004; Ord. 6566 § 2, 2001; Ord. 6263 § 1 (part), 1996)